HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO : 28166 of 2005

28-03-2006

Between:

Harihara Gangaputra Welfare Society rep. By its President M.Ramaswamy

..... PETITIONER

AND

1 The Director, Department of Fisheries, Chandravihar Complex, MJ Road, Hyderabad and others.

.....RESPONDENTS

HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION NO.28166 of 2005

O R D E R:

This writ petition is filed by the petitioner-Society seeking a writ of *Mandamus*

to declare the action of the respondent Nos.1 and 2 in not considering the issue of bifurcation of Fishermen Co-operative Society, Poosala, duly deleting the tanks situated in and around Ryakaldevpally Village from the area of operation of 3rd respondent-Society and adding them to the petitioner-Society, as illegal and arbitrary.

It is the case of the petitioner-society that 3rd respondent-society was registered and several villages are in its area of operation. One such village is Ryakaldevpally village. It is stated in the affidavit, filed in support of the writ petition, that Ryakaldevpally was deleted from Garrepally Fishermen Co-Operative Society and added to 3rd respondent- Society. While so, the 3rd respondent-Society is not ready either to permit the new members to join their society or bifurcate their existing area of operation, due to which the members of the petitioner-Society, whose basic source of livelihood is fishing, are put to hardship. The petitioner-Society claimed to have made several representations to the 1st and 2nd respondents, but there is no specific mention with reference to any representations particulars thereof. As per the material placed on record, the petitioner-Society made a representation to the 2nd respondent-Assistant Director of Fisheries, Mankammathota, Karimnagar District, as early as on 04-03-2002. Inasmuch as no representations were made by the petitioner-Society in the recent years, no positive direction can be issued in this writ petition declaring the action of the respondent Nos.1 and 2 in not considering the request of the petitioner-society as illegal. Whether the tanks situated in Ryakaldevpally Village which are already included in the area of operation of 3rd respondent- society are sufficient to cater the needs of the members of the petitioner-society or whether there is any need to separate the said village from the area of operation of the 3rd respondent-Society, is a matter of discretion in the domain of 2nd respondent so to consider the representation of the petitioner-Society having regard to the viability for bifurcation. In that context, no direction can be issued as sought for by the petitioner-society. However, I dispose of the writ petition permitting the petitioner-Society to make a fresh representation in this regard to 2nd respondent-Assistant Director of Fisheries within a period of two weeks from today. On such representation, 2nd respondent shall consider the same, by issuing notices to all the parties

concerned, and pass appropriate orders in accordance with law.

With the above observations, the writ petition is disposed of at the stage of admission. No costs.

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28-03-2006

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